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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/224,913	01/04/99	VALLLEN	J PHN-16.749

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U S PHILIPS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
580 WHITE PLAINS ROAD
TARRYTOWN NY 10591

EXAMINER

NGUYEN, T

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 08/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/224,913

Applicant(s)

Vallen

Examiner

Tuyen T. Nguyen

Group Art Unit

2832

☒ Responsive to communication(s) filed on Jun 7, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 3-5 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 3-5 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on 6/7/00 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, line 15, the term "whereby" is indefinite because it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957). In line 16, the term "substantially" is a relative term. Claims 3 and 4 inherit the defects of parent claim.

Regarding claim 3, line 4, the term "substantially" is a relative term.

Regarding claim 4, line 2, there is no antecedent basis for "the ends of the cover."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witchger [US 4,291,292] in view of Sugiura et al..

Witchger discloses an electric coil assembly [see figure 11] comprising:

- a rectangular bobbin [see column 2, lines 9-10] having end flanges [13, 14];
- a coil winding [12] wound about the bobbin; and
- a synthetic resin cover [31] including an external insulative portion [21, 22] integrally formed

with the cover for covering lead wires [21A, 22A] and end portions [see figures 8 and 9];

wherein the cover engages the bobbin and wraps around the coil winding and is connected therearound by the end portions to *substantially* completely enclose the coil winding [see figure 11].

Witchger discloses the instant claimed invention except for a connection member being integrally formed with one of the bobbin flanges.

Sugiura et al. discloses a bobbin [11] having an end flange [11a] integrally supporting external connection member [12] and a cover [20] having a terminal protection portion [21] integrally formed therewith.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the external connection members of Witchger on the flange of the bobbin, as suggested by Sugiura et al., for the purpose of facilitating connections of the leads and placement of the cover.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the coil assembly of Witchger, as modified, in conjunction with the cover in a ballast for the purpose of protecting a ballast winding from external contamination.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Witchger in view of Sugiura et al. as applied to claims 3 and 5 above and further in view of Leach et al. [US 4,363,014].

Witchger, as modified, discloses the instant claimed invention except for the end portions of the cover are interconnection by means of a snap connection.

Leach et al. discloses a snap connection means [66] for a bobbin cover [14].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a snap connection means for the end portions of the cover of Witchger, as modified, as taught by Leach et al., for the purpose of easily assemble and dis-assembly the bobbin cover to the bobbin.

Response to Arguments

6. Applicant's arguments with respect to claims 3-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tuyen T. Nguyen whose telephone number is (703) 308-0821.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Gellner, can be reached at (703)308-1721. The fax number for this Group is (703)305-1341.

Any inquiry of a general nature or relating to the status of this application of proceeding should be directed to the Group receptionist whose telephone number is (703)308-0956.

TTN
August 27, 2000



Michael L. Gellner
Supervisory Patent Examiner
Technology Center 2800